

#252

## VOLUNTARY AGREEMENT

THIS AGREEMENT made this 7th day of March, 2001 by and between  
NEW DOT, INC. ("Applicant") and ADVISORY NEIGHBORHOOD COMMISSION 2B  
(hereinafter "ANC 2B").

## WITNESSETH

WHEREAS, Applicant has applied for approval for the reissuance of a retailer's license  
class CT issued by the Alcoholic Beverage Control Board of the District of Columbia to the  
Premises for the operation of the tavern known as Mr. P's, currently located and operated at 2147  
P Street, NW, Washington, DC 20036; and

WHEREAS, the parties have agreed to enter into this Voluntary Agreement and to  
request the Alcoholic Beverage Control Board to approve the reissuance of Applicant's  
reissuance application conditioned upon Applicant's compliance with the terms of this written  
Agreement.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual  
covenants and conditions set forth below, the parties agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. Applicant shall employ a door person, on Friday, Saturday and Sunday evenings  
from 8:00 p.m. until fifteen minutes after closing or on the other nights, if needed, as determined  
by Applicant in consultation with the ANC 2B. The door person shall monitor the front door and  
the area immediately adjacent to the front door of the premises. Employment of the door person  
shall begin within ten (10) days of acceptance of this Agreement by the District of Columbia  
Alcoholic Beverage Control Board. The door person shall not have duties involving the service

of beverages or food but shall check identification cards, monitor the sobriety of incoming patrons and the conduct of exiting patrons and shall otherwise maintain order in and around the front door of the establishment, subject to the limitations of applicable law. The person employed as door person shall complete a recognized alcoholic awareness and training program such as TIPS or TAM.

3. Applicant's on duty manager shall monitor the front door of the area immediately adjacent to the front door of the premises at least once every hour during all hours a door person shall not be on duty as required by section 2.

4. Subject to the limitations of applicable law, the door person or the manager shall attempt to disperse any loiterers in the area and shall make his presence known such as to discourage unlawful or undesirable behavior, including drug dealing, solicitation of prostitution, panhandling, rowdiness and littering.

5. Applicant shall also continue to employ a person whom it deems capable as a peace and good order monitor. Such person may be the evening manager or other employee appointed to patrol the outdoor patio. Said monitor will especially concern him or herself with the outdoor patio. The monitor, and Applicant, shall utilize their best efforts to prevent excessive noise (such as yelling, hooting, hollering, whistling or speaking in other than conversational tones) from emanating from its outdoor patio.

6. Applicant shall not operate beyond 2:00 a.m. Sunday through Thursday, nor beyond 3:00 a.m. Friday and Saturday.

7. Applicant shall close its outdoor patio at 10:00 p.m. Sunday through Thursday, at 11:00 p.m. on Saturday and at midnight on Friday and any night preceding a federal holiday. Applicant shall (i) give "last call" on its outdoor patio no later than fifteen minutes prior to patio

closing hour; (ii) serve no beverages on the outdoor patio after said closing hour; and, (iii) clear the outdoor patio of patrons within fifteen minutes after closing. Applicant shall not open its outdoor patio prior to 6:00 p.m. on Saturday, before 11:00 a.m. on Sunday or before 3:00 p.m. Monday through Friday. Applicant agrees to maintain on the doors leading to the rear outside patio space "panic alarms" to discourage use by patrons after the outdoor patio is closed.

8. Applicant shall display prominently in its outdoor patio space a sign advising patrons that the patio is adjacent to residences and requesting that patrons be quiet.

9. Applicants shall display prominently at all exits a sign requesting patrons to maintain quiet while departing the premises and the neighborhood. In addition, the door person shall be present during the hours set forth in paragraph 2 to remind exiting patrons, especially groups of two or more, of the neighboring residences and the need for quiet.

10. Applicant shall not install or use any exterior sound amplification equipment of any kind, nor employ any form of live entertainment on its outdoor patio.

11. Applicant shall comply with the requirements governing the operation of a tavern including the provisions of 23 D.C.M.R. §200.8 and D.C. Code §25-103 which prohibit a tavern from providing facilities for dancing for employees or entertainers. Applicant shall not provide any form of nude entertainment and shall not permit any person on the premises to engage in real or simulated sexual activity in violation of 23 DCMR 904.3.

12. Applicant shall employ a licensed trash collection company which company shall agree, in writing, that trash collection shall not occur before 7:30 a.m. on weekdays or before 10:00 a.m. on weekends or after 5:00 p.m. any day.

13. Applicant shall keep its exterior premises and sidewalk free of litter, trash and weeds and shall remove any graffiti appearing on or around the establishment. After close of

business each day, Applicant will police the immediate area outside the premises for litter.

14. Applicant shall appoint a representative to attend ANC 2B meetings at least four (4) times per year and shall, upon request of ANC 2B, make a formal presentation to ANC 2B concerning this Agreement, Applicant's compliance and addressing additional problems or concerns which might arise. ANC 2B shall promptly notify Applicant of any perceived violations of this Agreement and of any other problems associated with Applicant's premises.

15. In the event of Applicant's failure to comply with the foregoing conditions, Applicant acknowledges that ANC 2B may exercise all rights under the Alcoholic Beverage Control Act and Regulations including seeking the suspension or revocation of Applicant's license.

16. ANC 2B hereby joins with Applicant in requesting the Alcoholic Beverage Control Board to approve of the reissuance of Applicant's license conditioned upon Applicant's compliance with the terms of this Agreement. Applicant and ANC 2B, pursuant to the provisions of 23 D.C.M.R. §1513.3, hereby request that the Board incorporate the text of this Agreement in its order approving the license application and request that this Agreement be enforceable by the Board.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and  
year first above written.

WITNESS:

APPLICANT:

NEW DOT, INC.

Andrew J. Kline

By: John B. Nish

ADVISORY NEIGHBORHOOD COMMISSION  
2B

Nichole L. Carter By: Frant N. Nish

ALCOHOL BEVERAGE CONTROL BOARD

IN RE: :  
: App No. 252, CT Tavern  
NEW DOT, INC. :  
t/a MR. P'S :  
2147 P Street, N.W. :

VOLUNTARY AGREEMENT

Made this 2nd day of JANUARY 199<sup>7</sup>, by and between

New Dot, Inc. (t/a Mr. P's, 2147 P Street, N.W., Washington, D.C. 20036); and John Mako (Vice President, New Dot, Inc.) (collectively hereinafter referred to as "Applicant")

And

Nancy Fiedler (2130 P Street, N.W. #815); and Eli Gottesdiener (1511 22nd Street, N.W. #24) (collectively hereinafter referred to as "Protestants"),

Applicant and Protestants agree as follows:

Whereas, Applicant's application for the reissuance of a Retailer's Class "CT" license is pending before the District of Columbia Alcoholic Beverage Control Board, as is the Protestants' protest in opposition to said applicant; and

Whereas, Applicant and Protestants mutually desire to enter into an agreement setting forth understandings and conditions regarding Applicant's operations under any such renewed license;

Thus, and in consideration of the mutual covenants and promises set forth below, and subject to the approval of this Agreement by the Board, Applicant and Protestants agree as follows:

1. Applicant shall keep in its employ a person whom it deems capable as a peace and good order monitor. Such person may be the evening manager or an employee appointed to patrol the outdoor patio. Said monitor will especially concern him or herself with the outdoor patio. The monitor, and Applicant, shall utilize their best efforts to prevent excessive noise (such as yelling, hooting, hollering, whistling or speaking in other than conversational tones) from emanating from its outdoor patio.

2. Applicant shall keep its exterior premises and sidewalk free of litter, trash and weeds. After close of business each day, Applicant will police the immediate area outside the premises for litter.

3. Applicant shall not operate beyond 2:00 a.m. Monday through Friday, nor beyond 3:00 a.m. Saturdays and Sunday.

4. Applicant shall close its outdoor patio at 11:00 p.m. Sunday through Thursday, and Saturday; and shall close its outdoor patio at midnight on Friday and any night preceding a federal holiday. Applicant shall (i) give "last call" on its outdoor patio no later than fifteen minutes prior to patio closing hour; (ii) serve no beverage on the outdoor patio after said closing hour; and, (iii) clear the outdoor patio of patrons within fifteen minutes after closing. Applicant shall not open its outdoor patio on Saturday prior to 6:00 p.m. Applicant agrees to install and maintain on the doors leading to the rear outside patio space "panic alarms" to discourage use by patrons after the outdoor patio is closed.

5. Applicant shall display prominently in its outdoor patio space a sign advising patrons that the patio is adjacent to residences and requesting that patrons be quiet.

6. Applicant shall display prominently at all exits a sign requesting patrons to maintain quiet while departing the premises and the neighborhood.

7. Applicant shall not install or use any exterior sound amplification equipment of any kind, nor employ any form of live entertainment on its outdoor patio.

Applicant acknowledges that any failure on its part to adhere to any of the foregoing commitments shall constitute grounds for Protestants to petition the Board for the issuance of a Show Cause Order, pursuant to 23 DCMR § 1513.5 to gain compliance with the terms of this Agreement and/or for revocation of the Applicant's license. Protestants shall notify Applicant in writing of any alleged violations of this Agreement and shall afford Applicant fourteen (14) calendar days to correct, or to begin to correct, if possible, the alleged violations, prior to notifying the Board.

In consideration of, and reliance upon, the above stated conditions, covenants and promises being made part of Applicant's license or part of the conditions of Applicant's license, Protestants shall and do hereby withdraw their protest and objection to Applicant's application for reissuance of its license.

In Witness Whereof, the parties to this Agreement have affixed hereunto their signatures:

Applicant, New Dot, Inc.

By:

John D Mako President

Applicant, John Mako (~~was~~ President, New Dot, Inc.)

John D Mako

Protestant, Nancy Fiedler

Nancy Fiedler

Protestant, Eli Gottesdiener

Eli Gottesdiener



BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of: )

New Dot, Inc. )

t/a Mr. P's )

Application for a retailer's )  
license class CT - renewal )  
at premises )

2147 P Street, N.W. )

Washington, D.C. )

Case No. 252-97018P

Eli Gottesdiener and Nancy Fiedler, Protestants

John Mako, President, on behalf of Applicant

BEFORE: BARBARA L. SMITH, ESQUIRE, Chairperson;

DENNIS BASS, Member

MARY EVA CANDON, ESQUIRE, Member

ALLEN BEACH, Member

LAVERNE KING, Member

EYDIE WHITTINGTON, Member

DUANE WANG, Member

ORDER

The application, having been protested, came before the Board for public hearing on December 11, 1996, in accordance with D.C. Code Section 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. Eli Gottesdiener and Nancy Fiedler filed timely protest letters, dated November 12, 1996.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.<sup>1/</sup> Pursuant to the Agreement, the Protestant has agreed to withdraw his protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

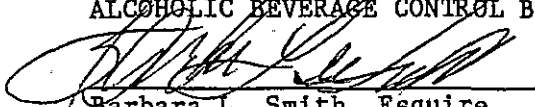
<sup>1/</sup> See Agreement dated January 22, 1997.

New Dot, Inc.  
t/a Mr. P's  
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Accordingly, it is this 19th day of February 1997, ORDERED that:

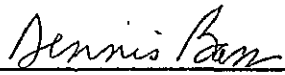
1. The protest of Eli Gottesdiencer and Nancy Fiedler be, and the same hereby, are WITHDRAWN;
2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;
3. The application of New Dot, Inc. t/a Mr. P's for a retailer's license Class CT - renewal at premises 2147 P Street, N.W. be, and the same hereby, is GRANTED; and,
4. Copies of this Order shall be sent to the Protestants and the Applicant.

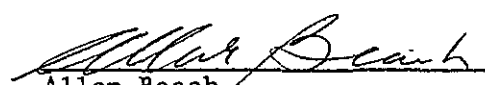
DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

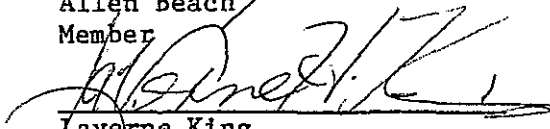
  
Barbara L. Smith, Esquire  
Chairperson

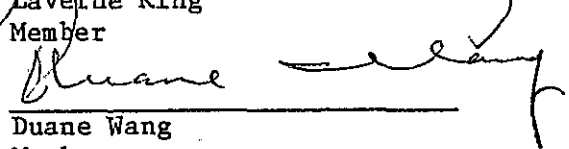
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Mary Eva Candon, Esquire  
Member

  
Dennis Bass  
Member

  
Allen Beach  
Member

  
Laverne King  
Member

  
Duane Wang  
Member

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Eydie Whittington  
Member